

Attorney Docket No. 5646-81

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Proebsting et al.

Serial No.: 10/643,208

Filed: August 18, 2003

For: INTEGRATED CIRCUITS DEVICES HAVING HIGH PRECISION DIGITAL  
DELAY LINES THEREIN

Date: November 24, 2003

VIA FACSIMILEOffice of Patent Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOV 24 2003

**PETITION TO ACCORD THE PROPER FILING DATE**

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of August 18, 2003 rather than August 19, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of August 18, 2003 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

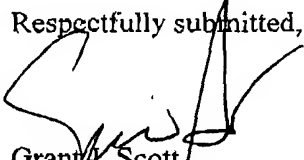
1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt along with a copy of the USPS-Track & Confirm from the web page, showing "acceptance" or deposit date with the USPS at 5:32 p.m. on August 18, 2003; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of August 19, 2003 instead of the Express Mail date of August 18, 2003.

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of August 18, 2003 as the filing date pursuant to 37 CFR § 1.10.

In re: Proebsting et al.  
Serial No.: 10/643,208  
Page 2

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



Grant V. Scott  
Attorney For Applicant  
Registration No. 36,925

**USPTO Customer No. 20792**  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone: 919/854-1400  
Facsimile: 919/854-1401

**PATENT**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 5646-81

DATE: August 18, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOV 24 2003

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☒ a patent application  
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: \_\_\_\_\_; filed \_\_\_\_\_, the disclosure of which is incorporated herein by reference in its entirety.  
☒ and claims the benefit of Provisional Application No. 60/412,514; filed September 20, 2002.

Inventor(s) or Application Identifier:

Robert J. Proebsting – Senora, California

Cesar A. Talledo – San Jose, California

David J. Pilling – Los Altos Hills, California

Entitled: **INTEGRATED CIRCUIT DEVICES HAVING HIGH PRECISION DIGITAL  
DELAY LINES THEREIN**

Myers Bigel Sibley &amp; Sajovec, P.A.

P. O. Box 37428

Raleigh, North Carolina 27627

Telephone: (919) 854-1400

Facsimile: (919) 854-1401

Customer No. 20792

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 70 pages of Specification (including 134 claims)
3. ☒ 19 sheets of Formal Drawings (35 USC 113)
4. ☐ Oath or Declaration
  - a. ☐ newly executed (*original or copy*)
  - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
  - c. ☐ DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

7. ☐ Microfiche Computer Program (*Appendix*)  
 8. ☐ Assignment papers (*cover sheet(s) and document(s)*)  
 9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.  
 10. ☒ Information Disclosure Statement, PTO-1449, and \_\_\_\_\_ references cited  
 11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)  
 12. ☐ English Translation Document  
 13. ☐ Certified Copy of \_\_\_\_\_ Application No. \_\_\_\_\_ ; Filed  
 14. ☐ Sequence Listing/ Sequence Listing Diskette  
     a. ☐ computer readable copy  
     b. ☐ paper copy  
     c. ☐ statement in support  
 15. ☐ An Associate Power of Attorney  
 16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)  
 17. ☒ Other: Application Filed Under 37 CFR 1.41(c); Nonpublication Request  
 The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate      Fee	Large Entity Rate      Fee
BASIC FEE			\$375.00	\$ 750.00
TOTAL CLAIMS	18   - 20 =	0	x 09 = \$	x 18 = \$ 0
INDEP CLAIMS	3   - 3 =	0	x 42 = \$	x 84 = \$ 0
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 140 = \$	+ 280 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$750.00

- ☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.  
☐ A check in the amount of \$ \_\_\_\_\_ is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).  
☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
☐ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. \_\_\_\_\_:  
 a. ☐ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.  
 b. ☐ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

  
 Grant J. Scott  
 Registration No. 36,925

#### CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 318419992 US

Date of Deposit: August 18, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
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5646-81  
August 18, 2003Mail Stop Patent Application  
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Sir: Kindly acknowledge receipt of the accompanying by placing your  
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Utility Patent Application Transmittal Letter and Fee Transmittal Form (in  
duplicate); Specification (70 pages - 134 claims); Drawings (19 sheets - Figures  
1A-13B); Application Filed Under 37 CFR § 1.41(c); Preliminary Amendment;  
Nonpublication Request; Information Disclosure Statement; Form PTO-1449;  
Copy of Ryan Reference; In re: Robert J. Proebsting et al.; For: INTEGRATED  
CIRCUIT DEVICES HAVING HIGH PRECISION DIGITAL DELAY LINES  
THEREIN

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC

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Sir: Kindly acknowledge receipt of the accompanying by placing your  
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Utility Patent Application Transmittal Letter and Fee Transmittal Form (in  
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1A-13B); Application Filed Under 37 CFR § 1.41(c); Preliminary Amendment;  
Nonpublication Request; Information Disclosure Statement; Form PTO-1449;  
Copy of Ryan Reference; In re: Robert J. Proebsting et al.; For: INTEGRATED  
CIRCUIT DEVICES HAVING HIGH PRECISION DIGITAL DELAY LINES  
THEREIN

10/643208



08/19/03

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC

11-25-03 4:09:10 IN

5646-81  
August 18, 2003

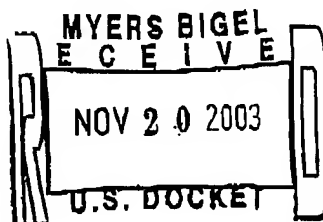


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APPL NO.	FILING OR 371 (a) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/643,208	08/19/2003	2812	0.00	5646-81	19	18	3

20792  
 MYERS BIGEL SIBLEY & SAJOVEC  
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 RALEIGH, NC 27627



CONFIRMATION NO. 4050

## FILING RECEIPT



\*OC000000011257646\*

Date Mailed: 11/18/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Robert J. Proebsting, Senora, CA;  
 Cesar A. Talledo, San Jose, CA;  
 David J. Pilling, Los Altos Hills, CA;

## Domestic Priority data as claimed by applicant

This appln claims benefit of 60/412,514 09/20/2002

NOV 24 2003

## Foreign Applications

If Required, Foreign Filing License Granted: 11/12/2003

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

## Title

Integrated circuit devices having high precision digital delay lines therein

## Preliminary Class

11-20-03 A09:13 IN



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NOV 24 2003

In re: Robert J. Proebsting et al.  
Serial No.: 10/643,208  
Filed: August 19, 2003  
For: *Integrated Circuit Devices Having High Precision Digital Delay Lines  
Therein*  
Docket No.: 5646-81

**USPTO Customer No. 20792**  
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**In re: Robert J. Proebsting et al. (Attorney Docket No. 5646-81)**  
**USSN 10/643,208**  
**Filed August 18, 2003**  
***Integrated Circuit Devices Having High Precision Digital Delay Lines Therein***

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